

**REPORT - PLANNING COMMISSION MEETING  
May 13, 2004**

**Applicant:** MISSION HILLS TENNIS CLUB - 10 East Las Palmas Avenue (PLN2004-00187)

**Proposal:** A minor amendment to a Planned District to allow the illumination of two tennis courts for an existing tennis and swim club.

**Recommended Action:** Approve, subject to conditions

**Location:** 10 East Las Palmas Avenue

**Assessors Parcel Number:** 525-312-50

**Area:** The site encompasses approximately 12.7 acres

**Owner:** Emiko Trimble

**Agent of Applicant:** None

**Consultants:** None

**Environmental Review:** EIA-98-39, an Initial Study and Draft Mitigated Negative Declaration, was approved in 1998.

**Existing General Plan:** Low Density Residential 2-3.5 Dwellings per acre

**Existing Zoning:** P-73-1, Planned District

**Existing Land Use:** Tennis and Swim Club Facility.

**Public Hearing Notice:** Public hearing notification is applicable. Eighty-one notices were mailed to owners and occupants of property within a minimum radius of 300 feet of the site on the following streets: East Las Palmas Avenue, East Las Palmas Court, Dolerita Avenue, Segovia Place, Almeria Avenue, Benevente Avenue, Obispo Court and Hidalgo Court. All notices to owners of property mailed on April 30, 2004. A Public Hearing Notice was delivered to The Argus Newspaper on April 26, 2004, to be published by May 3, 2004.

**Executive Summary:** Mission Hills Tennis Club is requesting approval of a Planned District minor amendment to allow the illumination for two existing tennis courts for evening use. The tennis courts are located at the eastern portion of the 12.7 acre private tennis and swim club facility. In 1973, the City Council approved P-73-1 for 343 single-family residences and a tennis and swim club facility with 12 tennis courts. Because only 7 of the 12 tennis courts were constructed, on March 12, 1998 the applicant requested an amendment to the Planned District to allow a total of 13 tennis courts on the site and to reconfigure the location of the newly constructed tennis courts. To help mitigate the potential visual impact of the new tennis courts at night, the applicant offered not to illuminate two of the new tennis courts (no. 12 and no.13). The Planning Commission believed the applicant's offer not to light two of the new courts, showed that the applicant was willing to work with the neighborhood to create a solution that would mitigate the concerns of the nearby residents. Also, the applicant's willingness to reduce the elevation of the four upper tennis courts assisted the Planning Commission in approving the project. On April 8, 1999, the Planning Commission approved an amendment to the Planned District to illuminate the two remaining unlighted courts. However; On July 6, 1999, the City Council upheld a third party appeal that prevented the two tennis courts from being illuminated for evening use.

**Background:** On September 18, 1973, the City Council approved P-73-1, a mixed use Planned District that included 343 single-family residences, a 17,228 square foot office building, a 5,740 square foot clubhouse, eight tennis courts and a private swimming pool facility with a 4.5-acre lake. City Council designated the lake/park area as a private ownership park with limited public access, similar to a private open space use. In a subsequent Planned District amendment in 1973, City Council included a provision that the swim and tennis club could expand to twelve tennis courts, including four tennis court sites approved along Almeria Avenue, at the northeast edge of the site. Only seven of the twelve tennis courts were constructed.

On January 29, 1998, the applicant submitted a Planned District Amendment to relocate the five approved courts at the center of the tennis and swim club site and to add an additional tennis court for a total of 13 courts. On March 26, 1998, the Planning Commission approved an amendment to P-73-1 to allow six additional tennis courts to be built on the site with a condition that the Mission Hills Tennis Club install additional landscaping to screen the new tennis courts as well as a condition for annual inspections by the Fire Department to determine if there are any potential fire hazards from any dead trees or other dried vegetation.

**Proposal:** Mission Hills Tennis Club is seeking Planning Commission approval to allow the illumination of the two remaining tennis courts on the property that are currently unlighted. The applicant states that there is often a waiting list of club members who want to use the tennis facility during the evening hours because all of the 11-lighted courts are in use. The illumination of these two courts would increase the capacity of the tennis facility during the evening hours. The subject tennis courts are located at the easterly side of the property.

**Adjacent Land Uses:** Mission Hills Tennis Club is surrounded by Kimber Park, a 343 unit single-family residential development. Construction of these homes began in late 1973 and was completed in 1976.

**Hours of Operation:** Mission Hills Tennis Club current hours of operation are from 6 a.m. to 10 p.m., Mondays to Fridays, and 7 a.m. to 9 p.m. (10 p.m. close during the summer season) on Saturdays and Sundays. The applicant is sensitive to the concerns of the surrounding residents relative to the lighting, therefore; they do not propose to extend the hours of operation.

**Aesthetics:** Although all 13 tennis courts currently have 8, 21-foot high box-type light standards with black finishes, two of the tennis courts are not illuminated for night use. All the lights have cut-off baffles to prevent spill over lighting onto adjacent properties.

**Visual Screening:** The site is wooded and contains hundreds of trees of many varieties including redwoods, evergreens, pines, eucalyptus, oaks, date palms, willows and almonds. In the previous amendment to the Planned District, staff worked with the applicant to preserve as many trees as possible on the site in conjunction with the construction of the new tennis courts. Staff has worked closely with Mission Hills Tennis Club to ensure the nearby residences concerns regarding visual impacts were addressed. Staff strongly recommended that the applicant hold a neighborhood meeting to discuss their proposal. According to the applicant, the notice was mailed on October 24, 2003 to residents within a 300 foot radius of the club. The applicant held two community meetings. The first one was on November 12, 2003, and the second meeting was held on November 15, 2003. The applicant stated there were approximately 16 people at the first meeting and two people at the second meeting. To demonstrate the effects of the illumination of the two subject courts, the applicant provided a demonstration for the neighborhood as part of the community meetings. A copy of the notice is included as an enclosure.

The tennis club has two main street frontages. Almeria Avenue is located on the north side of the tennis club, and East Las Palmas Avenue is located on the south side. Many of the homes along Almeria Avenue are either single-story or have no windows or very few second story windows facing the street. To help mitigate the visual impact of the tennis courts and lighting, the applicant planted 44 new redwood trees, 20 Japanese privets and 10 pittosorum undulatum as part of their previous Planned District Amendment applications in 1998 and 1999. Since then, some of the trees have died, however; many of them have been recently replaced.

One resident in the Kimber Park neighborhood, residing on Almeria Avenue, had concerns regarding the potential impacts of the new lighting as well as issues related to the maintenance of the landscaping of the facility. This neighbor also had concerns during the applicant's previous request to illuminate the two remaining unlighted tennis courts. Staff strongly recommended the applicant meet with the neighbor to address his concerns.

On the evening of March 30, 2004, the applicant demonstrated the lighting of the two subject tennis courts by illuminating them. Staff spoke to the neighbor and he stated the lights had a greater impact than he had anticipated. The neighbor and the applicant discussed mitigation measures, and as a result of their discussion, the applicant agreed to install new trees and shrubs with irrigation to help screen the lights from surrounding residences. The applicant recently planted twelve, 15- gallon redwood trees five, 15-gallon nest spruce and five, 15-gallon xylosma (schrubs). All parties understand that it will take time for the trees and shrubs to grow, and become an effective screen to reduce the impact of the new lights from view. Because the applicant understands the neighbor's concerns about the new lighting, they have agreed to use courts 12 and 13 only when the other tennis courts are in use during the evening hours.

Because of a beetle infestation in recent years, many of the pine trees have died. The neighbor requested the tennis club keep the vegetation properly maintained and irrigated. The applicant stated that they are currently in the process of having the site cleared of debris and dead trees and that they would make every effort to properly maintain the site. Because the Mission Hills Tennis Club is located in the hazardous fire area, they are required to remove fallen, or dead trees and replace them. The Fire Department conducts an annual inspection to determine ways to mitigate potential fire hazards that the applicant implements. Both staff and the neighbor met at the tennis facility, at different occasions, to walk through the property and identify areas where trees need to be replaced.

**Land Use Compatibility:** Staff believes the proposed lighting for the tennis courts will be compatible with the existing facility because they are located in an area with sufficient visual screening to residences along Almeria Avenue and East Las Palmas Avenue. Staff understands the applicant's desire to fully utilize their property during the evening hours and believes the proposal will not create a significant adverse impact on surrounding residential uses, nor be incompatible with those uses.

**Response from Agencies:** To date, staff has not received any comments from public agencies.

**Enclosures:** Site Plan; Statement of justification from applicant; Neighborhood notification letter from applicant.

**Exhibits:** Zoning, General Plan; Exhibit "A" (Elevations, Site Plan); Exhibit "B" (Findings and Conditions of approval for PLN2004-00187 and Exhibit.

**Recommended Action:**

1. Hold public hearing.
2. Find PLN2004-00187 is in conformance with the relevant provisions contained in the City's existing General Plan. These provisions include the goals of the private open space uses. The project conforms to the goals of Planned District, P-73-1 and the objectives of the Mission San Jose Planning Area.
3. Find PLN2004-00187 as per Exhibit "B" fulfills the applicable requirements set forth in the Fremont Municipal Code.

**EXHIBIT "B"**  
**MISSION HILLS TENNIS CLUB (PLN2004-00187)**  
**PLANNED DISTRICT MINOR AMENDMENT**

**FINDINGS:**

The findings below are made on the basis of information contained in the staff report to the Planning Commission dated May 13, 2004 incorporated herein, and the testimony at the public hearing.

1. The proposed Planned District amendment, or a given unit thereof, can be substantially completed within two years of the approval date. This application consists of a request for approval of, and applicant's intent to proceed with, the illumination of the two tennis courts.
2. That the streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network around the subject site because no new density is proposed, only the lighting for night use of tennis courts currently used in the day. The site and the uses are adequately served by streets.
3. That any exception from standard ordinance requirements is warranted by the design incorporated in the precise site plan, in accord with adopted policy of the Planning Commission. No exception from standard ordinance requirements is proposed with this project.
4. That the area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development.
5. That the subject site is in conformance with the intent of the City's General Plan because the new light standards will be equipped with cut-off baffles to prevent spill over of light onto adjacent properties and will be essentially screened from view by trees and other vegetation in conformance with the Low Density Residential land use designation.
6. The existing or proposed utility services are adequate for the proposed use. All necessary utilities are available to the proposed project.
7. That all public improvements or facilities required as a part of this approval are directly attributable to the proposed development, and are required for reasons related to public health, safety and welfare.
8. The proposed project described in the application will not unacceptably affect the health, safety, and or welfare of adjacent residents, landowners, nor the citizens of Fremont because there will be sufficient landscape screening to limit light spillover, and the light standards will have cut-off baffles. The site is already developed with tennis courts and the use of the courts at night will not create new sound impacts.

**CONDITIONS:**

The conditions below are made on the basis of information contained in the staff report to the Planning Commission dated May 13, 2004 incorporated herein.

**Conditions to be Complied with Prior to the Issuance of Building Permits:**

- A-1. The project shall conform to Exhibit "A" (Site Plan), and all conditions of approval of PLN2004-00187.
- A-2. Plans shall be submitted to the Development Organization under a "DEX" process for review to ensure conformance with relevant codes, policies, and other requirements of the Fremont Municipal Code.
- A-3. A lighting plan shall be submitted to the Development Organization under a "DEX" review process. The plan shall include the illumination of the tennis courts, type of low intensity, non-glare lighting fixtures, their heights, intensity and direction shall be clearly indicated.
- A-4. Tennis Court lighting shall be equipped with cut-off baffles to prevent glare or spill beyond the tennis courts.
- A-5. The applicant shall continue to install/replace trees and landscaping to help screen the tennis courts from view from Almeria and East Las Palmas Avenues. The location, type and quantity of landscaping shall be determined by the City's Landscape Architect.
- A-6. The applicant shall maintain the property in a neat, safe and attractive condition. Trees and other plant material shall be properly maintained, irrigated and replaced as necessary to retain the visual screening of the tennis and swim club facility from residences. There shall also be timely ongoing removal of deadfall and other vegetation debris.

**Conditions to be Complied with During Construction:**

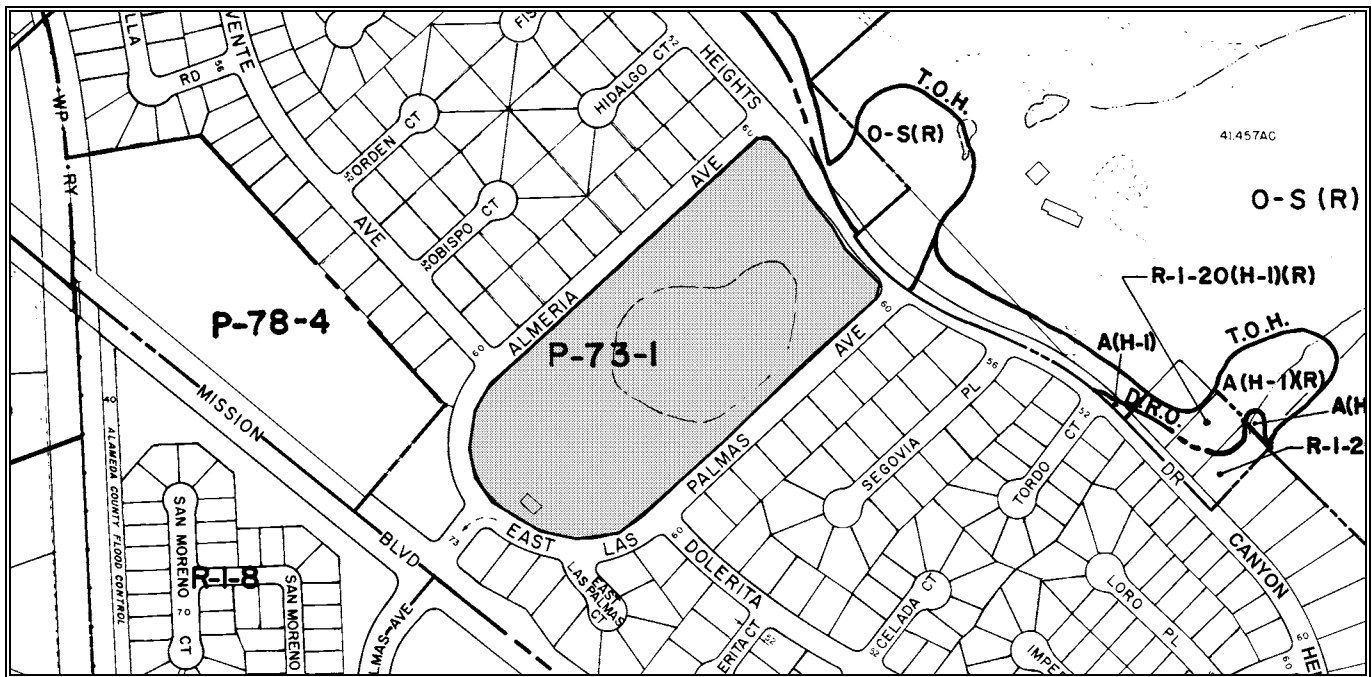
- B-1. Construction activities shall be limited to the following hours of operation:
  - 7 a.m. to 7 p.m. Monday through Friday
  - 9 a.m. to 6 p.m. Saturday

**Operational Maintenance:**

- C-1. During the evening hours, courts number 12 and 13 shall only used when the other 11 tennis courts are in use.
- C-2. If the Assistant City Manager finds evidence that conditions of approval have not been fulfilled or that the use or uses has or have resulted in a substantial adverse effect on the health, and/or welfare of users of adjacent or approximate property, or have a substantial adverse impact on public facilities or services, the Assistant City Manager may refer the Planned District Amendment to the Planning Commission for review. If, upon such review, the Commission finds that any of the results above have occurred, the Commission may modify or revoke the Planned District Amendment.
- C-3. The hours of operation shall be 6 a.m. to 10 p.m. Mondays through Fridays and 7 a.m. to 10 p.m. on Saturdays and Sundays.

## Existing Zoning

Shaded Area represents the Project Site



## Existing General Plan

